IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.M.P.(M) No. 380 of 2007

Date of decision 27.6.2007

Ranjeet Singh **…Applicant.**

Versus

State of H.P. **… Respondent.**

Coram

The Hon'ble Mr. Justice : Surjit Singh, Judge.

Whether approved for reporting? No

For the applicant : Ms. Rita Goswami, Advocate.

For the respondent : Mr. Ashok Chaudhary, Addl. A.G.

Surjit Singh, Judge (Oral)

Heard and gone through the record.

2. Applicant has been booked for an offence punishable under Section 376 of the Indian Penal Code. Prosecutrix's own version is that on 9.7.2006 she had attended a marriage in a village other than her native village and when around 11.00 in the night she came out of a room after taking meals, she saw the applicant, who had also participated in that marriage and hails from her own native village, standing at the door. He forcibly took her to the adjoining room where he committed rape on her and after committing the act, he promised to marry her. The prosecutrix

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Whether reporters of the local papers may be allowed to see the judgment?

became pregnant as a result of the alleged act. In February, 2007 the applicant married another lady. Then the FIR was lodged and the applicant was arrested. Ever since he is in custody.

3. From the perusal of the FIR it is clear that the alleged promise to marry the prosecutrix was made after the alleged act of sexual intercourse. The crime is alleged to have been committed in a house where the function of marriage was going on and the guests were being treated to a feast. The prosecutrix, as per record, made no hue and cry when she was allegedly taken to a room by use of force and subjected to sexual intercourse. Admittedly, the prosecutrix was about twenty years of age at the time of the alleged occurrence.

4. Looking to the facts and the circumstances of the case, I think this is a fit case where discretion of the Court in the matter of bail should be exercised in favour of the accused. Hence, the application is allowed and the applicant is ordered to be released on his furnishing bail bond in the sum of Rs.10,000/- with one surety in the like amount, to the satisfaction of the Judicial Magistrate, Rampur.

Dasti copy, as prayed for, on usual terms.

June 27, 2007 (BC) **(Surjit Singh), J.**